

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**May 11, 2009**

**C056334      THE PEOPLE v.      (Not For Publication)**  
**RICKY LEE WARE**

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect 321 days of actual credit and 254 days of conduct credit and to forward a copy of the amended abstract to the Department of Corrections and Rehabilitation.

HULL, J.

We Concur:    Blease, Acting P.J.  
                  Robie, J.

**C059424      RASHID v. CITY OF SACRAMENTO      (Not For Publication)**

Since the appellant prevailed below, we will dismiss the appeal on the ground that appellant is not a "party aggrieved" by the judgment as required by Code of Civil Procedure section 902.

BLEASE, Acting P.J.

We Concur:    Nicholson, J.  
                  Hull, J.

**C058965      In re ELMER A.; THE PEOPLE v.      (Not For Publication)**  
**ELMER A.**

The matter is remanded to the juvenile court to determine whether the minor should be granted DEJ. If DEJ is granted, the court is to vacate its jurisdictional and dispositional findings; if DEJ is not granted, the court's judgment shall remain in effect, subject to the minor's being able to seek review of the DEJ determination on appeal.

BLEASE, Acting P.J.

We Concur:    Sims, J.  
                  Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**Court Minutes**

**May 11, 2009, Continued**

- C055324      THE PEOPLE v. LEE STEWART, JR.      (Not For Publication)**  
THE COURT:  
It is ordered that the opinion filed herein on April 14, 2009, be modified as follows:  
On page 8 of the opinion, immediately prior to part II of the Discussion, insert the following paragraph:  
“Defendant has filed a rehearing petition asserting that the questionnaires of the challenged jurors “no longer exist [ ; ]” therefore, appellate counsel could not have included them in the record, and therefore this court violated due process principles by drawing inferences based on the failure to include these documents in the record. Appellate counsel assumes the questionnaires have been destroyed, based on a local rule that requires the trial court to preserve questionnaires of *seated* jurors. ...  
This modification does not change the judgment.  
Appellant’s petition for rehearing, request for judicial notice, and motion to augment record on appeal are denied.  
FOR THE COURT:  
BLEASE, Acting P.J.  
Cantil-Sakauye, J.
- C056891      THE PEOPLE v. DEBRA NAN STAFFORD**  
BY THE COURT:  
Appellant’s petition for rehearing is denied.  
HULL, Acting P.J.
- C059288      THE PEOPLE v. JASPER DWIGHT BRANNER**  
BY THE COURT:  
Appellant’s petition for rehearing is granted. The decision filed on April 20, 2009, is vacated. The request to reopen briefing and to file a supplemental brief is denied pending further order of this court.  
NICHOLSON, Acting P.J.

**May 12, 2009**

- C057670      THE PEOPLE v. PHILLIP ARASA      (Not For Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur: Raye, Acting P.J.  
Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**Court Minutes**

**May 12, 2009, Continued**

**C059487      THE PEOPLE v.      (Not For Publication)**  
**ROBERT LEE HARRIS**

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect 222 days of presentence custody and conduct credits and to forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

ROBIE, J.

We Concur:    Nicholson, Acting P.J.  
Butz, J.

**C060361      THE PEOPLE v. KENNETH KRUEGER      (Not For Publication)**

The judgment is affirmed.

ROBIE, J.

We Concur:    Raye, Acting P.J.  
Hull, J.

**C054919      TESELLE, as Successor Trustee etc. v. MCLOUGHLIN, Individually and as  
Successor Trustee etc., et al.**

BY THE COURT:

Respondents' petition for rehearing is denied.

BLEASE, Acting P.J.

**C058220      THE PEOPLE v. CHRISTOPHER S. BRYSON**

BY THE COURT:

Appellant's petition for rehearing is denied.

RAYE, Acting P.J.

**May 13, 2009**

**C057591      THE PEOPLE v.      (Not For Publication)**  
**HENRY ALFRED WALKER**

The judgment is affirmed.

HULL, J.

We Concur:    Nicholson, Acting P.J.  
Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**May 14, 2009**

**C060226      THE PEOPLE v. MARCOS GAYTAN      (Not For Publication)**  
The stay-away order is stricken to J.G., A.P., and M.P. The matter is remanded to the trial court to determine whether to impose a stay-away order as to those family members as a condition of probation under Penal Code section 1203.1. In all other respects, the judgment is affirmed.  
HULL, Acting P.J.  
We Concur: Butz, J.  
Cantil-Sakauye, J.

**May 15, 2009**

**C057256      THE PEOPLE v.      (Not For Publication)**  
**SHANEEN BARMBY**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur: Raye, J.  
Robie, J.

**C057806      THE PEOPLE v.      (Not For Publication)**  
**ZANE M. HUBBARD**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Raye, Acting P.J.  
Hull, J.

**C058148      THE PEOPLE v.      (Not For Publication)**  
**CHARLES RAY SMITH**  
The judgment is affirmed.  
BUTZ J.  
We Concur: Raye, Acting P.J.  
Hull, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**Court Minutes**

**May 15, 2009, Continued**

- C058914      THE PEOPLE v.      (Not For Publication)**  
**CHRISTOPHER ORION WILSON**  
The judgment is affirmed. The matter is remanded to the trial court (1) to determine presentence credits through April 3, 2008, (2) to amend the abstract of judgment to include presentence credits, (3) to amend the abstract of judgment to reflect defendant's conviction for receiving stolen property rather than first degree burglary, and (4) to forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.  
HULL, J.  
We Concur:    Blease, Acting P.J.  
                  Nicholson, J.
- C059954      THE PEOPLE v.      (Not For Publication)**  
**CYNTHIA LYNN STEVENS**  
The judgment is affirmed.  
HULL, J.  
We Concur:    Raye, Acting P.J.  
                  Robie, J.
- C060164      THE PEOPLE v.      (Not For Publication)**  
**DWAYNE MEREDITH**  
The trial court's order denying defendant's petition for writ of error *coram nobis* is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur:    Sims, Acting P.J.  
                  Nicholson, J.
- C059622      In re R.D. et al.; SACRAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND HUMAN**  
**SERVICES v. M.H.**  
The judgment (orders after hearing) is affirmed.  
SIMS, J.  
We Concur:    Blease, Acting P.J.  
                  Nicholson, J.
- C060347      In re J.B. et al.; SACRAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND HUMAN**  
**SERVICES v. L.W.**  
The order is affirmed.  
ROBIE, J.  
We Concur:    Blease, Acting P.J.  
                  Butz, J.

**COURT OF APPEAL  
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**Court Minutes**

**May 15, 2009, Continued**

**C058834      In re T.C.; THE PEOPLE v. T.C.      (Certified For Publication)**

THE COURT:

The opinion filed on April 30, 2009, is modified...

This modification does not change the judgment.

Appellant's petition for rehearing is denied.

SIMS, Acting P.J.

Raye, J.